

PLANNING COMMITTEE

Thursday, 21st April, 2011 at 5.30 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Perry (Chairman)
Councillor Bird (Vice-Chairman)
Councillor Ali
Councillor Arif
Councillor Beeley
Councillor P. Bott
Councillor Carpenter
Councillor Cook
Councillor Douglas-Maul
Councillor P. Hughes
Councillor Madeley
Councillor D. Pitt
Councillor Rochelle
Councillor Sarohi
Councillor Thomas
Councillor Turner

2747/11 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Creaney, Jeavons and Yasin.

2748/11 Minutes

Resolved

That the minutes of the meeting held on 31st March, 2011, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

2749/11 Declarations of Interest

Councillor Bott declared a prejudicial interest in Item No. 2 on the plans list, application no. 10/1624/RM in relation to Reserved Matters following permission 09/1130/OL for 1500 place school (including submissions on various matters required by conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 27, 28, 29, 34, 35, 36, 37, 38, 40 relate) at Grace Academy Darlaston, Herberts Park Road, Darlaston, Wednesbury, WS10 8QJ.

Councillor Ali declared a prejudicial interest in Item No. 2 on the plans list, application no. 10/1624/RM in relation to Reserved Matters following permission 09/1130/OL for 1500 place school (including submissions on various matters required by conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 27, 28, 29, 34, 35, 36, 37, 38, 40 relate) at Grace Academy Darlaston, Herberts Park Road, Darlaston, Wednesbury, WS10 8QJ.

Councillor Ali declared a prejudicial interest in Item No. 6 on the plans list, application nos. 10/1683/FL and 10/1684/FL in relation to change of use of ground floor to mixed use - A1 (Retail) in two units and A5 (hot food takeaway) in one unit at Broadway Cleaning, 121 Princes Avenue, WS1 2DJ.

Councillor Perry, the Chairman of the Committee, advised the meeting that insofar as Item No. 1 on the plans list was concerned that on Saturday, 2nd April, 2011 he held a surgery at Pelsall Library and whilst there, was approached by two men, one of whom represented himself as being the brother of the applicant. Councillor Perry indicated that they had questioned him in a vigorous manner about why the application had been withdrawn from the last meeting.

He proceeded to discuss the constitutional position with them but did not discuss the merits of the application.

Councillor Perry advised the meeting that although he had felt intimidated, he had not formed a fixed view of the application before Members, but it may be perceived, given what he had just mentioned, that he would be unable to have regard to all relevant material planning considerations and be influenced by the non-material planning consideration. To avoid such a perception, he had decided not to chair the meeting on this item and would remove himself from the room in the interests of openness and transparency and that the Vice-Chairman would chair the meeting.

Councillor Perry stated that he had felt intimidated and that Members should not be open to intimidation. He confirmed that an official complaint had been made and the incident had been reported to the police and to the Monitoring Officer. The Vice-Chairman stated that it was imperative that Members do not take this into account, only the application on its planning merits alone.

2750/11 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

2751/11 **Local Government (Access to Information) Act, 1985 (as amended)**

There were no items to be considered in private session.

2752/11 **Serving of Tree Preservation Order 5 of 2011 on 199 Sutton Road, Walsall, WS5 3AW**

The report of the Head of Development and Delivery was submitted:-

(see annexed)

Resolved

That:-

- (1) Walsall Tree Preservation Order No. 5 of 2011 be authorised;
- (2) The reason for making the Tree Preservation Order set out in Paragraph 11 of the report detail be supported.

2753/11 **Section 106 Report - financial year 2010/11**

The report of the Head of Planning and Building Control was submitted:-

(see annexed)

Resolved

That the report be noted.

2754/11 **Application List for Permission to Develop**

The application list for permission to develop was submitted, together with the supplementary papers and additional information for items already on the plans list:-

(see annexed)

The Committee agreed first to deal with the items on the agenda where members of the public had previously indicated that they wished to address the Committee. The Chair, at the beginning of each item for which there were speakers advised of the procedure whereby the speaker would have three minutes to speak and then at two minutes they would be reminded that they had a minute left.

2755/11 **Item No. 12 - 10/1689/FL - change of use from a dwelling to a respite care facility for 5 children aged 10-16 years at 22 Featherston Road, Streetly, Walsall, B74 3JN**

The Planning Officer advised the Committee of the background to the report and drew Members' attention to the additional information contained within the supplementary paper.

The Committee then welcomed the first speaker on this application, Councillor Hughes, who spoke against the application.

The Committee then welcomed the second speaker on this application, Mr. Malhi, who also spoke against the application.

The Committee then welcomed the third speaker on this application, Mr. Chander, who spoke in support of the application.

The Committee then welcomed the fourth speaker on this application, Dr. Chaudhry, who also spoke in support of the application.

There then followed a period of questioning by Members in relation to:-

- What type of children would be receiving respite and where were they currently receiving their care?
- Will the children be local or from other areas?
- Is there going to be adequate parking for staff, other professionals and visitors to the home, especially around staff change over time?
- Why isn't the applicant aware of any similar services within Walsall?

The Committee then proceeded to discuss the application, in particular around the inadequate parking facilities for staff, other professionals and visitors and how this would create traffic nuisance to neighbouring properties. Members all agreed that establishments of this nature were welcomed but in the right location. The location of this establishment does not fit in with the local environment and would result in a change in the character to the area.

Members considered the application and Councillor Douglas-Maul **moved** and it was duly **seconded** by Councillor Bird:-

- (i) That planning application no. 10/1689/FL be refused for the reasons as set out in the report now submitted;
- (ii) That officers offer advice, if requested, to the applicant in locating a suitable area.

Resolved (Unanimously)

- (i) That planning application no. 10/1689/FL be refused for the reasons as set out in the report now submitted;
- (ii) That officers offer advice, if requested, to the applicant in locating a suitable area.

Item No. 1 - 10/1650/FL - demolition of existing building and construction of 14 no. two bedroom apartments at 1 Woodside Close, Walsall, WS5 3LU

The Vice-Chairman reported that the Chairman had made it clear why he had removed himself from the meeting for this particular planning item and the Vice-Chairman requested that Members ensure all their comments are concise and clear and that the item is viewed on its planning merits only.

The Planning Officer advised the Committee of the background to the report and drew Members' attention to the additional information contained within the supplementary paper.

The Committee then welcomed the first speaker on this application, Councillor McCracken, who spoke in objection to the application.

The Committee then welcomed the second speaker on this application, Mrs. Boffey, who also spoke in objection to the application.

The Committee then welcomed the third speaker on this application, Mr. Stentiford, who spoke in support of the application.

There then followed a period of questioning by Members, in particular around concerns that the location and property distance guidelines of the sub-station, as well as the concerns around inadequate parking provision.

The Committee proceeded to discuss the application in detail as follows:-

- The application is out of character of the residential area which consists of semi-detached and detached houses;
- Residents have concerns pertaining to the sub-station - security risk allowing access to the roof and vulnerable from being struck by cars, still too prominent and an incongruous feature in the street scene, should be located at the back of the development;
- It is an ideal area for housing development as opposed to flats/apartments.

Members considered the application and Councillor Ali **moved** and it was duly **seconded** by Councillor Bird:-

That planning application no. 10/1650/FL be refused on the grounds:-

- (i) That the siting and proximity of the sub-station in relation to the proposed block of flats is still an incongruous feature in the street scene by way of its design and proximity to neighbouring dwellings which would detract from the openness of the locality and be detrimental to the character of the area;

- (ii) That the siting and proximity of the sub-station falls short of the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines.

Councillor Ali wished to add additional reasons for refusal but following further debate from the Committee, he was advised by the Vice-Chairman that the wording of the resolution must be deemed to be on safe ground.

The Motion having been put to the vote was declared **carried**, with fifteen Members voting in favour and none against.

Resolved

That planning application no. 10/1650/FL be refused on the grounds:-

- (i) That the siting and proximity of the sub-station in relation to the proposed block of flats is still an incongruous feature in the street scene by way of its design and proximity to neighbouring dwellings which would detract from the openness of the locality and be detrimental to the character of the area;
- (ii) That the siting and proximity of the sub-station falls short of the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines.

Councillor Perry returned to the Chair

2757/11 **Item No. 6 - 10/1683/FL and 10/1684/FL - change of use of ground floor to mixed use - A1 (Retail) in two units and A5 (hot food takeaway) in one unit at Broadway Cleaning, 121 Princes Avenue, WS1 2DJ**

The Chairman adjourned the meeting to allow Members to read the supplementary paper.

After ten minutes, the Chairman asked Members if they had read the supplementary paper and all confirmed that they had.

The Planning Officer advised the Committee of the background to the report and the information contained within the supplementary paper.

The Planning Officer reported that the issues in relation to the ventilation/flue equipment stacks on the side elevation to 121 Princes Avenue had now been resolved and should not be included in the reasons the application was being recommended for refusal.

The Committee then welcomed the first speaker on this application, Councillor Martin, who spoke in objection to the application.

The Committee then welcomed the second speaker on this application, Mr. Dawson, who also spoke in objection to the application.

The Committee then welcomed the third speaker on this application, Mr. Agathangelou, who spoke in support of the application.

The Committee then welcomed the fourth speaker on this application, Mr. Taylor, who also spoke in support of the application.

There then followed a period of questioning by Members of speakers and officers, focussing primarily on:-

- How many take-aways were already within a two mile radius?
- Did the applicant feel both customer and staff car parking at the site was adequate?

The Committee then proceeded to discuss the application in detail, including:-

- The issues around the intensification of commercial use of the site due to the launderette, fast food outlet and a convenience store which may cause parking problems;
- It was felt the proximity of the building would not be acceptable to nearby residents due to additional noise and the premises may encourage anti-social behaviour due to late opening hours;
- Issues around highway safety and red route Regulations.

Members considered application No. 10/1683/FL and Councillor Perry **moved** and it was duly **seconded** by Councillor Bird:-

That planning application no. 10/1683/FL be refused for the reasons as set out in the report and the supplementary paper now submitted.

The Motion having been put to the vote was declared **carried**, with fifteen Members voting in favour and none against.

Resolved

That planning application no. 10/1683/FL be refused for the reasons as set out in the report and the supplementary paper now submitted.

Members considered application No. 10/1684/FL on the same report and Councillor Bird **moved** and it was duly **seconded** by Councillor Perry:-

That planning application no. 10/1684/FL be refused on the grounds that the sub-dividing of the building would intensify the commercial activity on the site, which would be detrimental to the amenities of neighbours due to indiscriminate parking at peak times and highway nuisance.

The Motion having been put to the vote was declared **carried**, with fifteen Members voting in favour and none against.

Resolved

That planning application no. 10/1684/FL be refused on the grounds that the sub-dividing of the building would intensify the commercial activity on the site, which would be detrimental to the amenities of neighbours due to indiscriminate parking at peak times and highway nuisance.

Councillor Ali, having declared an interest in this item, left the room and did not take part nor vote on this application.

2758/11

Item No. 2 - 10/1624/RM - Reserved Matters following permission 09/1130/OL for 1500 place school (including submissions on various matters required by conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 27, 28, 29, 34, 35, 36, 37, 38, 40 relate) at Grace Academy Darlaston, Herberts Park Road, Darlaston, Wednesbury, WS10 8QJ

The Planning Officer advised the Committee of the background to the report and drew Members' attention to the additional information contained within the supplementary paper.

Resolved (Unanimously)

That planning application no. 10/1624/RM be granted, subject to the reasons as set out in the report and supplementary paper now submitted.

Councillors Ali and Bott both declared an interest in this item, left the room and did not take part nor vote on this application.

2759/11

Item No. 3 - 11/0005/FL - proposed builders merchants at land between River Tame and Railway, Darlaston Road, Walsall

The Planning Officer advised the Committee of the background to the report.

Resolved (Unanimously)

That planning application no. 11/0005/FL be granted, subject to the conditions as set out in the report now submitted.

- 2760/11 **Item No. 4 - 11/0172/TE - extend the implementation time limit of approved application for erection of 22 dwellings with associated car parking, landscaping and garages following demolition of existing buildings, for a period of two years to 2013 at land at junction of Pinfold Street and Mill Street, Darlaston, WS10 8TH**
- Resolved** (Unanimously)
- That planning application no. 11/0172/TE be granted, subject to the conditions as set out in the report.
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- 2761/11 **Item No. 5 - 10/1173/FL - demolition of library and erection of convenience store with 7 flats above at former Walsall Wood Library, Lichfield Road, Walsall Wood, WS9 9NT**
- Resolved** (Unanimously)
- That planning application no. 10/1173/FL be granted, subject to the conditions as set out in the report and supplementary paper now submitted.
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- 2762/11 **Item No. 7 - 11/0177/FL - change of use from light industrial to florist shop/garden centre (A1) and addition of new door at The Substation, Unit 2, Park Lane, Wednesbury, WS10 9SE**
- Resolved** (Unanimously)
- That planning application no. 11/0177/FL be granted, subject to the conditions as set out in the report now submitted.
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- 2763/11 **Item No. 8 - 11/0018/FL - retain use of building as café with take out facility and include new extract duct at 86 Stafford Street, Walsall, WS2 8DU**
- Resolved** (Unanimously)
- That planning application no. 11/0018/FL be granted, subject to the conditions as set out in the report.
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- 2764/11 **Item No. 9 - 10/1217/FL - conversion of former church to 4 flats, together with demolition and rebuilding of rear, single storey extensions to create two additional flats at former Church of God, 73 St. Annes Road, Willenhall, Walsall, WV13 1ED**
- Resolved** (Unanimously)
- That planning application no. 10/1217/FL be granted, subject to the conditions as set out in the report.

2765/11 **Item No. 10 - 11/0109/FL - demolish existing building and the erection of 9 apartments (8 x 2 bed and 1 x 1 bed) with associated amenity facilities at 44 Stringes Lane, Willenhall, Walsall, WV13 1LU**

Resolved (Unanimously)

That planning application no. 11/0109/FL be granted, subject to the conditions as set out in the report.

2766/11 **Item No.11 - 10/1332/FL - proposed extension to existing day nursery to allow increase in the number of children from 62-80 at Print House, Northgate, Aldridge, Walsall, WS9 8TH**

Resolved (Unanimously)

That planning application no. 10/1332/FL be granted, subject to the conditions as set out in the report.

2767/11 **Item No. 13 - 11/0091/FL - rear first floor bedroom extension (Resubmission of 10/0771/FL) at 39 Leckie Road, Walsall, WS2 8AW**

Resolved (Unanimously)

That planning application no. 11/0091/FL be granted, subject to the conditions as set out in the report.

2768/11 **Supplementary Planning Item No. 14 - 11/0241/FL - change of use to a hire depot for secure portable containers and offices at Middlemore Lane, Aldridge, Walsall, WS9 8DL**

The Planning Officer advised the Committee of the background to the report and the reasons for its urgency.

Members considered the application and Councillor Bird **moved** and it was duly **seconded** by Councillor Hughes:-

That planning application no. 11/0241/FL be granted,
subject to the conditions as set out in the report.

The Motion having been put to the vote was declared **carried**, with fifteen Members voting in favour and one against.

Resolved

That planning application no. 11/0241/FL be granted, subject to the conditions as set out in the report.

Termination of meeting

There being no further business the meeting terminated at 8.15 p.m.

Signed:

Date: